

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

NCS MULTISTAGE INC.,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 6:20-cv-00277 ADA
	§	
vs.	§	
	§	
NINE ENERGY SERVICE, INC.,	§	
	§	
Defendant.	§	

NCS’S ANSWER TO NINE ENERGY’S COUNTERCLAIMS

Plaintiff/Counterclaim-Defendant NCS Multistage Inc. (“NCS”), by and through the undersigned counsel, hereby answers Defendant/Counterclaim-Plaintiff Nine Energy Service, Inc.’s (“Nine Energy”) Counterclaims (Dkt. 17) as follows. This Answer is based on NCS’s current knowledge as to its own activities and upon information and belief as to the activities of others. NCS denies all allegations in the Counterclaims, except those specifically admitted below.

PARTIES

1. NCS lacks knowledge or information to form a belief as to the allegations in Paragraph 1 of the Counterclaims and therefor denies the same.

2. Admitted that NCS is a Canadian corporation with a place of business at 700, 333-7th Ave SW Calgary, AB T2P 2Z1, and with worldwide headquarters at 19350 State Highway 249, Suite 600, Houston, TX 77070.

JURISDICTION AND VENUE

3. Admitted.

4. NCS admits that it is subject to the personal jurisdiction of this Court for purposes of this action. NCS denies any remaining allegations in Paragraph 4 of the Counterclaims.

5. Admitted that venue is proper in this district under 28 U.S.C. 1391 and 1400(b). NCS denies any remaining allegations in Paragraph 5 of the Counterclaims.

FACTUAL BACKGROUND

6. NCS admits that it's Complaint avers that NCS is the assignee and owner of U.S. Patent No. 10,465,445 (the "'445 Patent") and that Nine has infringed claims of the '445 Patent. NCS denies that the asserted claims of the '445 Patent are invalid for any reason. NCS admits that there is an actual case or controversy between the parties over the non-infringement and invalidity of the '445 Patent. NCS denies any remaining allegations of Paragraph 6 of the Counterclaims.

FIRST COUNTERCLAIM DECLARATORY JUDGMENT OF NON-INFRINGEMENT OF THE '445 PATENT

7. To the extent a response is required to paragraph 7, the responses of paragraphs 1-6 of this Answer are incorporated by reference as though fully set forth herein.

8. Admitted.

9. Admitted.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

SECOND COUNTERCLAIM
DECLARATORY JUDGMENT OF INVALIDITY OF THE '445 PATENT

14. To the extent a response is required to paragraph 14, the responses of paragraphs 1-13 of this Answer are incorporated by reference as though fully set forth herein.

15. Denied.

16. Denied.

17. Denied.

RESPONSE TO PRAYER FOR RELIEF

18. This section constitutes a prayer for relief that does not require a response. To the extent a response is required, NCS denies that Nine is entitled to any of the relief requested in Paragraphs A to H under the heading “Prayer for Relief” in the Counterclaims.

Dated: June 16, 2020

Respectfully submitted,

BLANK ROME LLP

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**Attorneys for Plaintiff/Counterclaim-
Defendant NCS Multistage Inc.**

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record were electronically served with a copy of the foregoing on June 16, 2020 via the Court's CM/ECF system.

/s/ Domingo M. LLagostera
Domingo M. LLagostera